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**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

GREGORY BROD, individually and on behalf ) of all others similarly situated, )  Plaintiff, )  v. )  SIOUX HONEY ASSOCIATION, ) COOPERATIVE, an Iowa entity, )  Defendants. )	Case No. CV 12 01322 EMC  <b>STIPULATION FOR CONTINUANCE OF HEARING ON MOTION TO DISMISS FILED BY SIOUX HONEY ASSOCIATION COOPERATIVE AND CASE MANAGEMENT CONFERENCE ; ORDER</b>  Date: July 19, 2012 Time: 1:30 p.m. Dept.: Courtroom 5-17 <sup>th</sup> Floor Judge: Hon. Edward M. Chen
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**WHEREAS** Defendant Sioux Honey Association, Cooperative's Motion to Dismiss Pursuant to Fed. R. Civ. P. Rules 12(b)(1) and 12 (b)(6), is set for hearing on July 19, 2012 at 1:30 p.m. The Court has also scheduled a case management conference for the same date and time.

**WHEREAS** Robert Lax, one of Plaintiff's counsel, has been designated as Plaintiff's representative to present oral argument on Defendant's Motion to Dismiss.

**WHEREAS**, Mr. Lax's flight from JFK International Airport has been delayed due to a major hail and thunder storm at the airport and it is uncertain at this time whether his flight will leave tonight or not.

**WHEREFOR** pursuant to the United States District Court for the Northern District of California Local Rules, Rules 6-2 and 7-12, Brod and Sioux Honey respectfully request that the

1 court issue an order permitting a brief continuance of the hearing on Defendant's Motion to Dismiss  
2 and the case management conference.

3 SO STIPULATED.

4  
5 Dated: July 18, 2012

HINSHAW & CULBERTSON LLP

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8 /s/ David Ian Dalby

Attorneys for Defendant Sioux Honey Association  
9 Cooperative

10 Dated: July 18, 2012

KAPLAN FOX & KILSHEIMER LLP

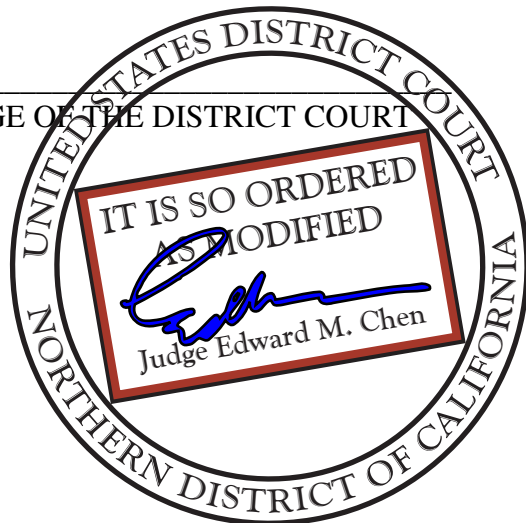
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13 /s/ Linda Fong

Attorneys for Plaintiff Gregory Brod

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16 PURSUANT TO STIPULATION, IT IS SO ORDERED that the motion to dismiss  
17 and CMC are reset to 8/10/12 at 1:30 p.m.

18 Dated: July 18, 2012

19 JUDGE OF THE DISTRICT COURT



**DECLARATION OF LINDA M. FONG**

I, Linda M. Fong declare,

1. I am an attorney licensed to practice in the State of California and I am admitted to practice before this court. I have personal knowledge of the facts recited in this declaration and could competently testify thereto if called upon to do.

2. Co-counsel Robert Lax is Plaintiff's representative designated to present oral argument on behalf of Plaintiff in opposition to Defendant's motion to dismiss, currently scheduled for hearing on July 19, 2012 at 1:30 p.m. I have conferred with co-counsel Robert Lax several times today, including most recently at 3:00 p.m. PST, and he has informed me that due to a major hail and thunder storm it is uncertain if his plane will depart tonight or not. If the Court intends to reset the hearing next week, Mr. Lax is available on July 23, 24 or 25, 2012.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: July 18, 2012

/s/ Linda M. Fong

**ATTESTATION**

I, Linda M. Fong, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on file the concurrences for any signatures indicated by a “conformed” signature (/s/) within this efiled document.

By: s/ Linda M. Fong

Linda M. Fong